

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO

NO. 17-BK-3283 (LTS)

As representative of

PROMESA TITLE III

THE COMMONWEALTH OF PUERTO RICO,
et al.,
Debtors.

(Jointly Administered)

**ORDER GRANTING MOTION TO COMPEL
ENFORCEMENT OF TERMS OF STIPULATION**

The Certified Plaintiffs' Class, through counsel Antonio J. Amadeo Murga, has filed a *Motion to Compel Enforcement of the Terms of Stipulation and Contempt*, and a *Memorandum in Support* thereof seeking an order to enforce the terms of a Stipulation and Judgment entered into by the parties on February 29, 2016, in case Gladys García Rubiera, etc., v. Hon. Luis G. Fortuño, et al., Civil No. 02-1179 (GAG) (Dkt. 446). The motion was opposed by the defendant and briefed by the parties.

Having considered the arguments of the parties and memoranda and exhibits, the Court considers that the Plaintiff's motion is well-taken and is hereby GRANTED.

This Court finds that the individual members of the Plaintiffs' Class filed their applications for reimbursement following an agreed application for reimbursement (Exhibit D of the Motion to Compel) and fully complied with the terms necessary for reimbursement. Said individual parties provided all necessary information requested of them, which did not include and was neither required in the Stipulation nor in the application for reimbursement, their bank account number and routing information.

A reading of the Stipulation shows that upon approval of the same, it was contemplated

that Defendant would issue the reimbursement to individual members of Plaintiffs' Class with the information provided as requested. Requesting from them now to provide their bank information is not contemplated by the Stipulation. Moreover, the Defendant has chosen to notify of this new requirement by publishing a notice in a newspaper, in spite of the fact that Defendant has the mail addresses of all claimants whose claims were approved. Said method of notice, aside for not being contemplated in the Stipulation, is clearly inadequate and not likely to reach all claimants.

In light of the above and in accordance with the Stipulation of February 29, 2016, which was adopted by the Defendant and was the subject of approval of this Court, which retained jurisdiction of the matter (Dkt. 17185), the Defendant is hereby ORDERED to issue and send payments for reimbursement directly to all claimants whose applications were approved to their mailing addresses contained in the application. Counsel for Plaintiffs' Class may apply for attorney's fees in connection with these proceedings.

SO ORDERED.

DATED:

LAURA TAYLOR SWAIN
United States District Judge